IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2123 OF 2005.

Smt.Shanta Navinchandra Shah
and others. ... Petitioners.

V/s.

State of Maharashtra and ors. ... Respondents.

Shailesh Shah i/b. M/s.Zohair & Co.
for the petitioner.

L.T.Sathelkar, A.G.P. for respondent No.1.

Joaquim Reis with R.N.Kachare
for respondent Nos.3 and 4.

Chetan Kapadia i/b. P.K.Shroff & Co.
for the proposed respondents.

CORAM: V.C.DAGA, J.

DATED: 10th January 2006.

P.C.:

. Heard learned counsel for the petitioners.

2. Considering the pendency of the civil litigation between the parties, one can safely conclude that the petition involves disputed questions of fact, which cannot be gone into in writ jurisdiction of this Court.

3. In that view of the matter, petition is liable to be dismissed. However, it is made clear that it would be open for the petitioners to assert their rights by approaching any civil

remedy that will be available under law. All rival contentions are kept open.

4. With the above observation, petition is dismissed with no order as to costs.

5. Needless to mention that in view of dismissal of petition, no orders are necessary on the interim applications taken out in this petition and, accordingly, stand disposed of as infructuous with no order as to costs.

(V.C.DAGA, J.)